

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3435(b)

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-1120-01

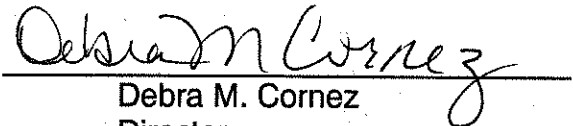
OAL Matter Type: Emergency (E)

This emergency regulatory action by the Department of Food and Agriculture will expand the existing quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) in the San Jose area of Santa Clara County by approximately 52 square miles. The effect of this emergency action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the many already existing regulated areas in the state.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 11/22/2017 and will expire on 5/22/2018. The Certificate of Compliance for this action is due no later than 5/21/2018.

Date: November 22, 2017



Debra M. Cornez
Director

Original: Karen Ross, Secretary
Copy: Kyle Beucke

NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2017-1120-01E
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For use by Office of Administrative Law (OAL) only

2017 NOV 20 A 9:31
OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Food and Agriculture

AGENCY FILE NUMBER (if any)

ENDORSED - FILEDIn the office of the Secretary of State
of the State of California

NOV 22 2017

1:43 PM

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Asian Citrus Psyllid Interior Quarantine	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND
	3435(b)
TITLE(S) 3	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code, §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

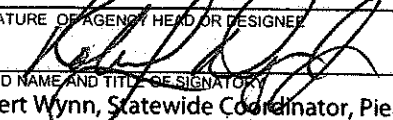
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM 56660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Kyle Beucke	TELEPHONE NUMBER 916-403-6741	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) kyle.beucke@cdfa.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 11/15/17
TYPED NAME AND TITLE OF SIGNATORY Robert Wynn, Statewide Coordinator, Pierce's Disease Control Program	

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ENDORSED APPROVED

NOV 22 2017

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

....

(b) Area Under Quarantine:

....

(14) In Alameda and Santa Clara Counties, in the Union City, San Jose, Milpitas, and Santa Clara areas: Beginning at the intersection of Madsen Street and Meek Avenue; then, starting easterly along said avenue to its intersection with D Street; then, northeasterly along said street to its intersection with Old Quarry Road; then, northeasterly along said road to its intersection with an Imaginary Line at the end of said road; then, northeasterly along said line to its intersection with Five Canyons Parkway at 37.686035 latitude and -122.040804 longitude; then, northerly along said parkway to its intersection with E Castro Valley Boulevard; then, northeasterly along said boulevard to its intersection with Paloverde Road; then, southeasterly along said road to its intersection with Palomares Road; then, southeasterly along Palomares Road to its intersection with an Imaginary Line at 37.682446 latitude and -122.017468 longitude; then, southeasterly along said line to its intersection with an Unnamed Road at 37.674237 latitude and -121.985739 longitude; then, southeasterly along an Imaginary Line to its intersection with an Unnamed Road at 37.665816 latitude and -121.969661 longitude; then, southeasterly along said road to its intersection with Sunol Ridge Trail; then, southeasterly along Sunol Ridge Trail to its intersection with an Imaginary Line at 37.594370 latitude and -121.895933 longitude; then, southwesterly along said line to its intersection with the Union Pacific Railroad at 37.4701 latitude and -121.01701 longitude; then, northwesterly along said railroad to its intersection with Alameda Creek; then, southeasterly along said creek to its intersection with Calaveras Creek; then, southerly along Calaveras Creek to its intersection with Interstate 680; then, southwesterly along said interstate to its intersection with Durham Road; then, easterly along said road to Paseo Padre Parkway; then, northerly along said parkway to its intersection with Pine Street; then, northeasterly along said street to its intersection with Anza-Pine Road; then, northeasterly along said road to Panorama Trail; then, southeasterly along said trail to its intersection with an Unnamed Road at 37.526398 latitude and -121.900830 longitude; then, northeasterly

along said road to its intersection with Mill Creek Road; then, southeasterly along Mill Creek Road to its intersection with an Imaginary Line at 37.519268 latitude and -121.868891 longitude; then, southeasterly along said line to its intersection with Calaveras Road and Leyden Creek; then, easterly along said creek to its intersection with Camp Ohlone Road; then, southeasterly along said road to its intersection with Geary Road; then, southeasterly along said road to its intersection with Alameda Creek; then, southerly along said creek to its intersection with Alameda Diversion Tunnel; then, southwesterly along said tunnel to its intersection with the Santa Clara County Line at 37.484067 latitude and -121.795776 longitude; then, easterly along said line to its intersection with an Imaginary Line at 37.484121 latitude and -121.782138 longitude; then, southerly along said line to its intersection with Arroyo Aguague at 37.382865 latitude and -121.772060 longitude; then, southeasterly along Arroyo Aguague to its intersection with Joseph D. Grant County Park Boundary; then, southwesterly along said boundary to its intersection with an unnamed road at 37.308691 latitude and -121.715077 longitude; then, southwesterly along said road to its intersection with an Unnamed Road at 37.289680 latitude and -121.713879 longitude; then, southerly along an Imaginary Line to its intersection with San Felipe Road at 37.266800 latitude and -121.733612 longitude; then, southerly along an Imaginary Line to its intersection with Cerro Crest Drive and Longhill Way; then, southerly along Longhill Way to its intersection with Basking Ridge Avenue; then, southerly along an Imaginary Line to its intersection with Forsum Road and Prindiville Drive and an Imaginary Line; then, southerly along said linedrive to its intersection with Monterey Road at 37.230446 latitude and -121.759126 longitude; then, southeasterly along said road to its intersection with Bailey Avenue; then, southwesterly along said avenue to its intersection with McKean Road; then, southerly along said road to its intersection with McKean Road and an Imaginary Line at 37.163353 latitude and -121.754103 longitude; then, southwesterly along said line to its intersection with Calero Reservoir County Park Boundary at 37.159662 latitude and -121.760455 longitude; then, westerly along said boundary to its intersection with Serpentine Loop Trail; then, southerly along said trail to its intersection with an Imaginary Line at the end of said trail; then, southwesterly along said line to its intersection with an Unnamed Road and an Imaginary Line at 37.142000 latitude and -121.818648 longitude; then, westerly along said line to

its intersection with an Unnamed Road and an Imaginary Line at 37.140833 latitude and -121.848577 longitude; then, northwesterly along said line to its intersection with Mount Umunhum Road at 37.146266 latitude and -121.895211 longitude; then, northwesterly along said road to its intersection with Loma Almaden Road; then, northwesterly along said road to its intersection with Soda Springs Road; then, northwesterly along said road to its intersection with Soda Springs Road and an Imaginary Line at 37.183627 latitude and -121.963407 longitude; then, northerly along said line to its intersection with an Unnamed Creek at 37.201311 latitude and -121.963711 longitude; then, northeasterly along said creek to its intersection with Blackberry Hill Road; then, northwesterly along said road to its intersection with Mireval Road; then, northerly along said road to its intersection with Paseo Carmelo; then, northeasterly along said paseo to its intersection with Ravinia Way; then, northeasterly along said way to its intersection with Teresita Way; then, northerly along said way to its intersection with Kennedy Road; then, northwesterly along said road to its intersection with Stonybrook Road; then, northeasterly along said road to its intersection with Cardinal Lane; then, easterly along said lane to its intersection with Hilow Road; then, northerly along said road to its intersection with Shannon Road; then, easterly along said road to its intersection with Short Road; then, northeasterly along said road to its intersection with Old Blossom Hill Road; then, northeasterly along said road to its intersection with Blossom Hill Road; then, easterly along said road to its intersection with Camino del Cerro; then, northerly along said camino to its intersection with Los Gatos Almaden Road; then, easterly along said road to its intersection with Rosswood Drive; then, northeasterly Prindiville Drive and an Imaginary Line at 37.230882 latitude and -121.758996 longitude; then, southerly along said line to its intersection with Leominster Court at 37.229759 latitude and -121.759337 longitude; then, southerly along said court to its intersection with Cheltenham Way; then, southwesterly along said way to its intersection with Santa Teresa Boulevard; then, southeasterly along said boulevard to its intersection with an Unnamed Creek at 37.217607 latitude and -121.758776 longitude; then, southwesterly along said creek to its intersection with Santa Teresa Park Boundary at 37.214621 latitude and -121.766148 longitude; then, northerly along said boundary to its intersection with Santa Teresa County Park Boundary at 37.209048 latitude and -121.796407 longitude; then, westerly along an Imaginary Line to its intersection with

~~Harry Road at 37.208925 latitude and 121.820066 longitude; then, southerly along said road to its intersection with Almaden Expressway; then, northwesterly along said expressway to its intersection with Rajkovich Way; then, southwesterly along said way to its intersection with Glenview Drive; then, southerly along said drive to its intersection with Echo Valley Drive; then, northwesterly along said drive to its intersection with Leyland Park Drive; then, northerly along said drive to its intersection with Woodcliff Drive; then, southerly along said drive to its intersection with Skyfarm Drive; then, northerly along said drive to its intersection with Camden Drive; then, northwesterly along said drive to its intersection with Almond Blossom Lane; then, westerly along said lane to its intersection with Harwood Road; then, northerly along said road to its intersection with Blossom Hill Road; then, westerly along said road to its intersection with Leigh Avenue; then, northerly along said avenue to its intersection with Anne Way; then, westerly along said way to its intersection with Kensington Way; then, northerly along said way to its intersection with Hershner Drive; then, easterly along said drive to its intersection with Kentfield Drive; then, northerly along said drive to its intersection with Los Gatos Almaden Road; then, westerly along said road to its intersection with Union Avenue; then, northerly along said road to its intersection with Rosswood Drive; then, southwesterly along said drive to its intersection with Esther Drive; then, northerly along said drive to its intersection with Samaritan Drive; then, westerly along said drive to its intersection with Los Gatos Boulevard; then, northeasterly along said boulevard to its intersection with California Highway 85 N; then, northwesterly along said highway to its intersection with Winchester Boulevard; then, northeasterly along said boulevard to its intersection with W Hacienda Avenue; then, westerly along said avenue to its intersection with Virginia Avenue; then, northerly along said avenue to its intersection with W Campbell Avenue; then, easterly along said avenue to its intersection with San Tomas Expressway; then, northerly along said expressway to its intersection with Williams Road; then, westerly along said boulevard to its intersection with Boynton Avenue; then, northerly along said avenue to its intersection with Blackford Avenue; then westerly along said avenue to its intersection with Rebecca Way; then, northerly along said way to its intersection with Moorpark Avenue; then, westerly along said avenue to its intersection with Saratoga Avenue; then, northeasterly along said avenue to its intersection with Kiely Boulevard; then, northerly~~

along said boulevard to its intersection with Mauricia Avenue; then, westerly along said avenue to its intersection with Redwood Avenue; then, northerly along said avenue to its intersection with Pruneridge Avenue; then, westerly along said avenue to its intersection with Woodhams Road; then, northerly along said road to its intersection with Forbes Avenue; then, westerly along said avenue to its intersection with Saratoga Creek; then, northeasterly along said creek to its intersection with Homestead Road; then, westerly along said road to its intersection with Pomeroy Avenue; then, northerly along said avenue to its intersection with Calabazas Creek; then, northerly along said creek to its intersection with Interstate 101; then, easterly along said interstate to its intersection with Great America Parkway; then, northerly along said parkway to its intersection with America Center Drive; then, northwesterly along America Center Drive to its intersection with an Imaginary Line at 37.419605 latitude and -121.979870 longitude; then, northerly along said line to its intersection with the San Francisco Bay at 37.465298 latitude and -121.989598 longitude; then, northerly along the San Francisco Bay to its intersection with California State Route 92 East at 37.616660 latitude and -122.155862 longitude; then, northeasterly along said route to its intersection with Clawiter Road; then, northerly along said road to its intersection with Depot Road; then, easterly along said road to its intersection with Mohr Drive; then, northerly along said drive to its intersection with West Street; then, northeasterly along said street to its intersection with Hesperian Boulevard; then, northerly along said boulevard to its intersection with Southland Drive; then, northeasterly along said drive to its intersection with W Winton Avenue; then, northeasterly along said avenue to its intersection with the Union Pacific Railroad; then, northwesterly along the Union Pacific Railroad to its intersection with an Imaginary Line at 37.661820 latitude and -122.094725 longitude; then, easterly along said line to its intersection with Staley Avenue at the beginning of said avenue; then, northeasterly along said avenue to its intersection with Madsen Street; then, northerly along said street to the point of beginning.

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Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.
Reference: Sections 401.5, 407, 5301, 5302, 5321 and 5322, Food and Agricultural Code.